

Attachment A

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED

APR 23 2020

U.S. DISTRICT COURT-WVND  
CLARKSBURG, WV 26301

William B. Milleron Sr

\_\_\_\_\_  
Your full name

FEDERAL CIVIL RIGHTS  
COMPLAINT  
(BIVENS ACTION)

v.

Civil Action No.: 1:20 cv 75  
(To be assigned by the Clerk of Court)

Dr K Brown, G Harris

Dr Gillespie Psych Services Super

Ms Childress case manager

Assistant Warden D Bazar

Enter above the full name of defendant(s) in this action

Kleeh  
Aloi  
Williams

I. JURISDICTION

This is a civil action brought pursuant to **Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)**. The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Name of Plaintiff: William B. Milleron Sr Inmate No.: 646-76-060  
Address: WSP Hazelton PO Box 2000 Bruneton Mills WV  
26525

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

## Attachment A

B. Name of Defendant: Dr K Brown  
 Position: Challenge Program Coordinator  
 Place of Employment: USP Hazelton  
 Address: PO Box 2000 Bruceston Mills West Virginia  
26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: As the challenge program coordinator and Program psychologist Her duties are to provide Mental Health Assessments and Make Recommendation For the Federal Bureau of Prisons for Inmate Mental Health

B.1 Name of Defendant: Mr G Harris  
 Position: Challenge Program DTS  
 Place of Employment: USP Hazelton  
 Address: PO Box 2000 Sky View Drive Bruceston Mills  
West Virginia 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: As program Counselor He counsels Inmates and is Ethically Bound by program Statement and Code of Ethics to provide the FBOP with Accurate and Honest Information pertaining to Inmates program participation

B.2 Name of Defendant: Dr Gillespie  
 Position: Psychology Services Supervisor  
 Place of Employment: USP Hazelton  
 Address: PO Box 2000 Sky View Drive Bruceston Mills West  
Virginia 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No



## Attachment A

If your answer is "YES," briefly explain: As the Head psychologist Her Duties are to Supervise and ensure that Inmates are Being provided Proper Mental Health care from All of Her Doctors. Also Bound to Ensure that They Follow all FBOP Policies and Procedures and Ethical Conduct codes

B.3 Name of Defendant: Ms Childress  
 Position: USP A2 case manager  
 Place of Employment: USP Hazelton  
 Address: Po Box 2000 Skyview Drive Bruceton Mills West Virginia 26825

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Her job is to provide inmates with direction in All phases of their treatment and incarceration and to ensure that her coworkers are providing their Assistance and Following FBOP policy Program Statements and Ethical Standards to Inmates

B.4 Name of Defendant: Assistant Warden  
 Position: Assistant Warden  
 Place of Employment: USP Hazelton  
 Address: Po box 2000 Skyview Drive Bruceton Mills, West Virginia 26825

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: She is the Assistant Warden who is Bound By Her Job title to Ensure all of her employees Staff Do there Jobs By Following all FBOP Policies Procedures and Ethical Conduct and to Aid in the Resolution of Violations of any of the above and Constitutional Violations

Attachment A

B.5 Name of Defendant: \_\_\_\_\_  
Position: \_\_\_\_\_  
Place of Employment: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/ Institution: United States Penitentiary Hazelton

A. Is this where the events concerning your complaint took place?  
☒ Yes ☐ No

If you answered "NO," where did the events occur?  
\_\_\_\_\_

B. Is there a prisoner grievance procedure in the institution where the events occurred? ☒ Yes ☐ No

C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure?  
☒ Yes ☐ No

D. If your answer is "NO," explain why not: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed

Attachment A

and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 Report "I was Ignored By Childress and Brown Gillespie"

LEVEL 2 BPP was given an incorrect Response and Issue Was Not Resolved

LEVEL 3 BPP was Rejected then Ignored without Return of 2

IV. **PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES**

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? ☐ Yes ☐ No

B. If your answer is "YES", describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: "IV PREVIOUS LAWSUITS"

1. Parties to this previous lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. Court: \_\_\_\_\_  
(If federal court, name the district; if state court, name the county)

3. Case Number: \_\_\_\_\_

4. Basic Claim Made/Issues Raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Name of Judge(s) to whom case was assigned: \_\_\_\_\_

6. Disposition: \_\_\_\_\_  
(For example, was the case dismissed? Appealed? Pending?)

7. Approximate date of filing lawsuit: \_\_\_\_\_



Attachment A

8. Approximate date of disposition. Attach Copies: \_\_\_\_\_
- C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B?  
☐ Yes ☐ No
- D. If your answer is "YES," briefly describe how relief was sought and the result. If your answer is "NO," explain why administrative relief was not sought.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- E. Did you exhaust available administrative remedies?  
☐ Yes ☐ No
- F. If your answer is "YES," briefly explain the steps taken and attach proof of exhaustion. If your answer is "NO," briefly explain why administrative remedies were not exhausted.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label "G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS"

1. Parties to previous lawsuit:

## Attachment A

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. Name and location of court and case number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_3. Grounds for dismissal: ☐ frivolous ☐ malicious  
☐ failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit: \_\_\_\_\_

5. Approximate date of disposition: \_\_\_\_\_

V. STATEMENT OF CLAIM

State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. **You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint.** Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. **UNRELATED CLAIMS MUST BE RAISED IN SEPARATE COMPLAINTS WITH ADDITIONAL FILING FEES. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)**

CLAIM 1: on 10-10-19 Dr. Brown Filed a Falsified report Concerning The the events of our encounter in the Hallway which lasted 1 1/2 to 3 min. After Attempting to resolve the Deprivation of the psychotropic Medications Through Ms Childress A2 Case Manager While Mr Bennett was present. After 2 short Attempts a few min

Supporting Facts: There was not enough time to provide A Mental



## Attachment A

Health evaluation, Videos from Alpha 2 printing at office corridor connecting A-1 and A-2 8am-10am See Also Dr Browns Reports 10/10/19 also Witness to these events Ms Childress and Mr Bennett Cameras Show I made 2 trips to Ms Childress Office During Her

CLAIM 2: on 11-15-19 8am-10am Dr K Brown Falsely reports another full Mental Health Assessment. While in Mr Coons office, She Claims That During This encounter she questioned Me about My disorders and that I could Not provide Sufficient Symptoms to Satisfy the Need for Meds, This Encounter lasted 8 to 12am, Not enough time

Supporting Facts: See Security Footage Alpha 2 views of Room 109 8am to 10am again No time for any kind of Assessment or Eval See Dr Browns Reports Filed 11-15-19 as well as the False Report of Her Claiming I Met with her again on the 18<sup>th</sup> of November which Records will show this is False I didnt see

CLAIM 3: Dr K Brown Came to Dental to "provide" me with a psych test on 12-17-19 at which time she verbally administered the test I ask her why she didnt answer, I proceeded to answer the questions "Warily" as I did not Believe she was giving the answers I provided due to Her past actions, After Administering the first test she then

Supporting Facts: Dr Gillespie, Dr K Brown, Ms Childress, Al W Bayshore and G Harris have all conspired to Aid Dr K Brown in her unethical Deliberate, Malicious acts of Depriving Me of psych Meds and providing Against Me Reprisal for Filing Administrative Remedy against Dr Brown and themselves, See All the Stated Video Footage

CLAIM 4: on 12/02/19 Mr Harris Also provided False information to my Challenge Program Report After our brief Meeting He violated the 14<sup>th</sup> Amend By Not affording Me Equal protection under the law By filing False Documents that Have the Capability of causing further punishment and denial of Privileges and deprivation of Meds

Supporting Facts: See Mr Harris Reports Filed on the following Dates 12-2-19 2/5/20 3-10-20 as well as Facility Security footage for



Attachment A

The Dates above and any dates claimed inside of Reports of encounters, as well as Inmate Statement Dated For 12-6-14 Shows Attempt to withdraw during lockdown yet Money was there in the links

CLAIM 5: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Supporting Facts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VI. INJURY

Describe **BRIEFLY** and **SPECIFICALLY** how you have been injured and the exact nature of your damages.

I have suffered all the symptoms of My disorders Depression Hopelessness worthlessness, crying, Bodyaches, Weight loss, loss of Appetite, Anxiety Rapid Heart Rate, Shortness of Breath, Fear overwhelming, shakes paranoia Bipolar Disorder Manic episode, Sleeplessness, mood swings, Confusion Thoughts of Suicide, Voices, inability to sit still, PTSD Nightmares Flashbacks, Fear of Attack, confusion, Also Pain and swelling of leg and ankle

VII. RELIEF

State **BRIEFLY** and **EXACTLY** what you want the Court to do for you. *Make no legal arguments. Cite no cases or statutes.*

a Monetary Settlement to Be Decided from each Defendant to Be given a True Mental Health Assessment By a licensed psychiatrist at the cost of the defendants and any Federal or state Charges to Be pressed against the defendants that apply

### Claim 1 continued

apiece. Dr Brown Stopped Me in the Hallway and asked if she could Help me. I stated "not unless you are a licensed psychiatrist that can prescribe Meds" she replied "No Im Not" and asked what the problem was. I stated "I was being deprived of My Meds That I had Been <sup>on</sup> ~~presc~~ For My entire confinement that were prescribed By a license psychiatrist" she asked what I needed Meds for I stated "PTSD, Anxiety, Bipolar Disorder and severe depressive disorder." She then stated That Due to My anger that I have "Anger Management Issues and Criminal Thinking Behavior Thats all thats wrong with you" I Allegedly said "Fu Forget it" and Walked Away. Dr Brown Claimed that This was a Full Mental Health Assessment and Reported Such which By doing So has deprived Me of a proper Assessment and Has deprived Me of My 8<sup>th</sup> Amendment to Be free of cruel and unusual punishment By forcing Me to Suffer the Symptoms of My Disorders, This has also deprived Me of My Fifth Amendment When She Retaliated against Me By Filing false documents causing me lack of due process and Neglected By other psychology staff to address My disorders and The First Amendment My right to grievance issues without Reprisal

### Claim 1 Supporting Facts Continued

open house Neither Combined add up to enough time for a Valid Mental Health Assessment. See PSIR for Court Findings Concerning My disorders the Court order of Meds



### Claim 1 Supporting Facts Continued

as well as the Names and Findings of Dr M Mercado and Dr Forjac Both Licensed Federally Acknowledged psychiatrist

### Claim 2 Continued

to Make a Clinical Assessment of Value. As the Entire encounter Consisted of Me Stating that "She had No Business discontinuing Med that were prescribed By a Licensed psychiatrist actually 3 separate Veterans Dr with 30 plus years of experience" she replied "Psychiatrist were not as qualified as psychologists at diagnosing disorders and Psychiatrist push Meds Because if they didn't they wouldn't have a job." I stated "whatever you say But can I at least get something for My Nightmares and depression" she stated "I may make a referral to Health Services for something for Depression and Manicpress" I then asked if "I could go" she dismissed Me However No Referral for Either Medication was Made, She did add The Following to My File Trauma Stressor disorder depressive disorder and Adult Anti social disorder her actions have further deprived Me of My 8<sup>th</sup> By forcing Me to suffer The Symptoms of My Disorders and Her False Reports have Caused Reprisals By Causing

### Claim 2 Continued

other Psych Services Staff to ignore My Mental Health well Being and Need for treatment

### Claim 2 Supporting Facts Continued

Dr Brown again till the 17<sup>th</sup> of Dec 18 in Dental See also My PSR and transcripts for true Mental Health Evaluation and Past Findings Provided By 2 licensed Psychiatrists Dr Mercado and Dr Fargar. See also Security Footage For A-2

### Claim 3 continued

made a threat; She Maliciously Stated "If you write me up one more Time I'll make your life here very hard" "Remember I have access To your PSIR and whats in it" This Validated the threat due to the Contents of it afterwards I asked for a copy of the results due to her prior acts she refused and walked me Back to A-2 I then requested My Meds again She said "you arent getting them you dont meet the criteria" I then Wrote the Director of the FBOP about the threat and Dr Browns unethical conduct. Which was ignored, I then Filed BP8 and 9 to have them ignored as well



### Claim 3 Continued

The last BP4 was returned By AW Bazzore who claimed that I was provided copies of the MFast Results on the 17<sup>th</sup> of Dec and that the Raw data was not disclosable to me. I responded that this is incorrect especially when an ethical act is under review which it is being challenged. I then filed BP8 to Dr Gillespie about Dr Browns unethical acts and her filing of False Federal documents. These Individuals were made aware of Dr Browns False reports and threats and did Nothing about it as well as Mr Harris and Ms Childress have Aided in Dr Browns Deliberate, Malicious acts of depriving me of My Constitutional Rights to file grievance to Before of Cruel and unusual punishment all of them have aided Dr Brown in her reprisals against Me. By Not taking Reasonable steps to ensure Information Provided in my file is accurate. They Did No Investigation into Dr Browns Acts, Threats, Filing false Reports depriving me of Meds and Removing ~~from~~ my Bottom Bunk pass as reprisal. Dr Gillespie also denied My BP8 That provided all Necessary info to Investigate the acts and validate My claims of Deprivation of Meds Due to having No Assessment Done as well as the Dates of the events to ignore them without investigating them. Ms Childress has also aided in the reprisals By Filing False Documents pertaining to My Conduct and My points upon review in the attempts to confirm Dr Browns allegations and discredit My Attempted Resolving of Issues.



## Supporting facts Claim 3 Continued

times and Dates previously provided the letters to Dr K Brown AW Bayshore, Dr Gillespie as well as Institutional "copout" and Inmate Psych Services file and Central file, sick call Electronic and Paper, As well as the letters to the Director of the FBoP who was Made aware of The threats to my life By Dr K Brown only Days after due to the sensitive Nature. See Also Dr Rings Reports from Here Intervention when I Made her aware of the threats The threat alone is enough to produce a Violation of 1<sup>st</sup> amendment right to Freedom of Speech and to Grievance And to Be Free From the Filing of False Documents The 14<sup>th</sup> Amendment guarantee Me the right to equal protection of the law Making Dr Browns threat a violation of Federal Statute as well as the Constitution I have repeatedly Attempted to resolve this By requesting Administration to review Security Footage which would Have resolved the issue without Delay

## Claim 4 continued

This was done after Consulting with DR K Brown In a team Unit Meeting this was done to Make any further attempts at Administrative Remedy discredited about my Meds I Requested Mr Harris to pursue The PS 800.11 Route By providing reasonable Steps at Assuring accurate information has Been provided to Him and My File Via Dr Browns Reports



Claim 4 continued

by providing Mr Harris with the Evidence to prove Dr Brown's Claims were falsified. He refused to do so Accepting Dr Brown's Reports as truth without further investigation. He then filed His own Fictitious version of the events with opinion based addage to his report Concerning the PSR and My Charges of Conviction as well as Stating I had "gang involvement". I asked Him to remove this false information. He stated He would talk to "Dr Brown" and Decide. Nothing was changed. Even after I provided Him with the paperwork (ie Doc 110 of Sentencing transcript) that verified his reports were false. He then again Filed more False information in My File on 02-05-20 as these events did not occur as He States. The contents of this conversation were "Dr Brown wants to know why you are still FRP Refuse and why you are still in the program". And that I told Him we were on lockdown I have No control over these things while on involuntary lockdown so this was unknowing and involuntary and that I have talked to Unit Counselor Bennettz repeatedly to resolve this issue. Then again on the 16<sup>th</sup> of March He files another Report Claiming False information which was not possible as we were on lockdown on the 10<sup>th</sup> from the 8<sup>th</sup> of March to the 10<sup>th</sup>. So this did Not occur as he claims after receiving this False Report I filed BP 8 to Admin at which time Warden Antonelli Claims Harris did Not file the Report till days later. I wrote Warden in response. I did not speak to Mr



### Claim 4 Continued

Harris until the 12<sup>th</sup> so His Filing and Claim of imaginary encounter are False and Had No Substance or Merit as None of the Conversation occurred as He Claims I stated to Mr Harris on the 12<sup>th</sup> of March that I have repeatedly tried to resolve the FRP issue with Mr Bennette and He said it was Fixed That I have No Control over This I can only Request them to do things I told him the Money was there and Someone of Authority tampered with the account to Stop the Withdrawal Dr KBrown its obvious Mr Harris and Dr Brown have Both conspired with each other to Violate and deprive Me of My 8<sup>th</sup> 1<sup>st</sup> 5<sup>th</sup> and 14<sup>th</sup> amendments By Filing False information depriving me of Meds and a true and proper Assessment and Violated Ethical Conduct and Federal Statutes

Mr Harris also provide False info to Warden Stating He came to My cell to Discuss FRP Refuse See video Footage A-2 3-6-20 through 3-10-20

### Supporting Fact claim 4

and I was unable to transfer it Due to lockdown Show (FRP quarterly payment 0.00) Then Again on ~~3-11~~ 3-6-20 There is No attempt to Withdraw However 73<sup>00</sup> dollars was available for the Withdraw See facility lockdown schedule see also PSR and other accumulated Evidence As Well as Doc 110-107-73-74 of My transcripts and Program Statement FBOP S800.11 View video For Alpha 2 Cell 213 3-6-20 to 3-10-20



VI Injury Continued

Due to <sup>Lower</sup> ~~Top~~ Bank Restriction Not Being Honored and placed on  
top Bank out of Reprisal Scrapes and Bruises pain to upper  
Thigh 'left' Loss of Facility Employment, loss of points on  
custody Review, loss of privileges, loss of Commissary Spending  
limits Restriction, Mail tampering

VII Relief Continued for there unlawful acts

**Attachment A**

**DECLARATION UNDER PENALTY OF PERJURY**

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at USP Hazelton on 4-18-20  
(Location) (Date)

William B. Million Sr.  
Your Signature